

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 04-12091-NMG

FREDERICK H. TARR, III,

Plaintiff

v.

**TOWN OF ROCKPORT, MICHAEL
RACICOT, NICOLA BARLETTA,
CHARLES CLARK, ROXANNE TIERI
and JOANNE WILE,**

Defendant

**CERTIFIED RECORD OF PROCEEDINGS BY THE KEEPER OF
RECORDS OF THE TOWN OF ROCKPORT BOARD OF SELECTMEN**

I, Michael J. Racicot, state and aver under oath that the following facts are true to the best of my personal knowledge and belief:

1. My name is Michael J. Racicot. I reside at 30 Hayes Avenue, Beverly, MA 01915.

I am an employee of the Town of Rockport, Massachusetts, my position or title is Town Administrator. My office address is Town Office Building, 34 Broadway, Rockport, Massachusetts. I am the Keeper of Records for the Board of Selectmen of the Town of Rockport, Massachusetts.

2. The attached documents and writings are true and accurate copies of the record of proceedings of the Board of Selectmen of the Town of Rockport related to the said Board's vote to remove Frederick H. Tarr III as a member of the Conservation

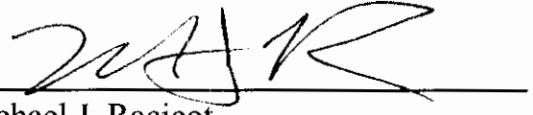
Commission of the Town of Rockport for cause, pursuant to M.G.L. c. 40 §8C.

3. The attached documents and writings are as follows:

- a. Letter of Joan Kelley addressed to Chairperson of Rockport Board of Selectmen dated May 26, 2004. Exhibit A
- b. Letter from Michael J. Racicot addressed to Mr. Frederick H. Tarr III re: Executive Session Meeting dated June 1, 2004. Exhibit B
- c. Board of Selectmen of Town of Rockport, Meeting Minutes of June 8, 2004. Exhibit C
- d. Board of Selectmen of Rockport, Meeting Minutes of Executive Session of June 8, 2004. [Unrelated matters redacted] Exhibit D
- e. Newspaper Article by Josh Odell in the Gloucester Daily Times "Demolition Ires Neighbors" published May 20, 2004. Exhibit E
- f. Newspaper article by Josh Odell in the Gloucester Daily Times "Ted Tarr's Remarks May Lead to Ouster" published June 9, 2004. Exhibit F
- g. Newspaper Article by Josh Odell in the Gloucester Daily Times "Tarr: Selectmen's Actions 'Vengeful'" published June 10, 2004. Exhibit G
- h. E-mail from Italo Cannone to Alan McMillan (Chairman, Rockport Conservation Commission) dated June 11, 2004. Exhibit H
- i. E-mail from Peter Beacham addressed to Roxanne Tieri, Chairperson of Rockport Board of Selectmen dated June 14, 2004. Exhibit I
- j. Letter from David and Georgia Gibbons addressed to Board of Selectmen of Town of Rockport dated June 18, 2004. Exhibit J
- k. Board of Selectmen of Town of Rockport Meeting Minutes of June 22, 2004. Exhibit K
- l. Board of Selectmen of Town of Rockport Meeting Minutes Executive Session of June 22, 2004. [Unrelated matters redacted] Exhibit L
- m. Letter from Michael J. Racicot addressed to Mr. Frederick H. Tarr III dated June 30, 2004 re: Executive Session Meeting. Exhibit M

- n. Memorandum of Michael J. Racicot to Rockport Board of Selectmen dated July 2, 2004. Exhibit N
- o. letter from Frederick H. Tarr III addressed to Chairman, Rockport Board of Selectmen dated July 6, 2004. Exhibit O
- p. Board of Selectmen of Town of Rockport Meeting Minutes of July 6, 2004. Exhibit P
- q. Board of Selectmen of Town of Rockport Meeting Minutes Executive Session July 6, 2004. [Unrelated matters redacted] Exhibit Q

Signed under the pains and penalties of perjury this 7 day of Sept. 2005.

A handwritten signature in black ink, appearing to read 'MJR', is written over a horizontal line.

Michael J. Racicot
Town Administrator and
Keeper of Records of the Town of Rockport
Board of Selectmen

CERTIFICATE OF SERVICE

I hereby certify that the Certified Record of Proceedings By the Keeper of Records of the Town of Rockport Board of Selectmen was served upon John L. Hamilton, Esquire, 10 Lee Park, South Hamilton, MA 01982, attorney for the plaintiff/opposing party by mailing a copy of same, postage prepaid and via first class mail.

Date:

Sept 9, 2005

Gerald F. Blair
Gerald F. Blair